

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 24, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Seth Berglee, Vice Chair (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Theresa Manzella (R)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 17, 3/9/2017; SB 26, 3/9/2017; SB 29, 3/9/2017; SB 30,
3/9/2017
Executive Action: SB 17, SB 45, SB 118, SB 167, HB 477

HEARING ON SB 17**Opening Statement by Sponsor:**

00:01:28 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 17, Revise laws related to juvenile offenders and registration as sex offender.

Proponents' Testimony:

00:01:43 Rep. Regier and Rep. Hill Smith joined the meeting.
00:03:48 Sen. Sands
00:04:13 Rep. Sheldon-Galloway joined the meeting.
00:04:36 SK Rossi, American Civil Liberties Union (ACLU)
00:04:52 Rep. Morigeau left the meeting.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:05:10 Sen. Swandal

HEARING ON SB 29**Opening Statement by Sponsor:**

00:06:01 Sen. Diane Sands (D), SD 49, opened the hearing on SB 29, Revising laws regarding sexual crimes.

[EXHIBIT\(juh61a01\)](#)

[EXHIBIT\(juh61a02\)](#)

00:06:09 Rep. Harris joined the meeting

Proponents' Testimony:

00:15:07 Attorney General Tim Fox
00:21:11 Jennifer Clark, Self
00:33:23 Susie Boylan, Self
00:41:52 Alana Sherstad, Self
00:42:19 Rep. Eck and Rep. Berglee joined the meeting
00:42:28 Rep. Wagoner left the meeting.
00:45:56 Abigail Belcher, Associated Students of the University of Montana (ASUM)
00:47:12 Mark Murphy, Montana County Attorneys Association (MCAA)
00:47:53 Melissa Broch, Self
00:48:24 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

[EXHIBIT\(juh61a03\)](#)

Opponents' Testimony: None

Informational Testimony:

00:52:42 Beverly Schneider, Montana National Guard

Questions from Committee Members and Responses:

00:54:20 Rep. C. Knudsen
00:54:43 Jennifer Clark, Self
00:56:51 Rep. Kelker
00:57:28 Robin Turner, MCADSV
00:58:50 Rep. Kelker
00:59:17 Alana Sherstad, Self
01:00:56 Rep. McConnell
01:01:44 Jennifer Clark, Self

Closing by Sponsor:

01:04:37 Sen. Sands

01:08:04 Recess
01:15:19 Reconvene

HEARING ON SB 30

Opening Statement by Sponsor:

01:15:40 Sen. Diane Sands (D), SD 49, opened the hearing on SB 30, Revise laws related to criminal statute of limitations.

Proponents' Testimony:

01:20:27 Mary Cochnaur, Department of Justice (DOJ)
01:23:06 Alana Sherstad, Self
01:25:11 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADVS)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:26:52 Sen. Sands

HEARING ON SB 26

Opening Statement by Sponsor:

01:31:22 Sen. Sue Malek (D), SD 46, opened the hearing on SB 26, Revise laws regarding sexual intercourse without consent.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:35:15 Rep. Bishop
01:35:48 Sen. Malek
01:35:58 Rep. Usher
01:36:16 Alana Sherstad, Self
01:38:32 Rep. B. Brown
01:38:59 Sen. Malek
01:39:09 Rep. Court
01:39:48 Sen. Malek

Closing by Sponsor:

01:40:45 Sen. Malek

01:51:36 Recess
02:31:27 Reconvene

EXECUTIVE ACTION ON SB 17

02:31:39 **Motion/Vote:** Rep. Berglee moved that **SB 17 BE CONCURRED IN**. Motion carried 15-4 by roll call vote with Rep. Manzella, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Usher voting no. Rep. Manzella and Rep. M. Regier voted by proxy. Rep. Bishop will carry the bill.

EXECUTIVE ACTION ON SB 45**Discussion:**

02:33:46 Helen Thigpen, Legislative Services Division (LSD)

02:34:10 **Motion:** Rep. Berglee moved that **SB 45 BE CONCURRED IN**.

Discussion:

02:34:19 Rep. C. Knudsen
02:34:38 Helen Thigpen, LSD
02:34:51 Rep. B. Brown
02:35:53 Rep. Mortensen

02:36:36 **Vote:** Motion carried 16-3 by roll call vote with Rep. B. Brown, Rep. Sheldon-Galloway and Rep. Usher voting no. Rep. Manzella and Rep. M. Regier voted by proxy. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON SB 118**Discussion:**

02:37:57 Helen Thigpen, LSD

02:38:19 **Motion:** Rep. Berglee moved that **SB 118 BE CONCURRED IN**.

Discussion:

02:38:29 Rep. Wagoner
02:38:33 Rep. Court

02:38:53 **Vote:** Motion carried unanimously by voice vote. Rep. Manzella and Rep. M. Regier voted by proxy. Rep. Wagoner will carry the bill.

EXECUTIVE ACTION ON SB 167

Discussion:

02:40:01 Helen Thigpen, LSD

02:40:21 **Motion:** Rep. Berglee moved that **SB 167 BE CONCURRED IN.**

Discussion:

02:40:29 Rep. Eck

02:40:47 Rep. Wagoner

02:41:17 Helen Thigpen, LSD

02:41:26 Rep. Usher

02:42:05 Helen Thigpen, LSD

02:42:28 **Vote:** Motion carried unanimously by voice vote. Rep. Manzella and Rep. M. Regier voted by proxy. Rep. Usher will carry the bill.

EXECUTIVE ACTION ON HB 477

Discussion:

02:43:27 Helen Thigpen, LSD

02:43:48 **Motion:** Rep. Berglee moved that **HB 477 DO PASS.**

Discussion:

02:43:54 Rep. Hill Smith

02:45:00 Rep. Kelker

02:45:40 Rep. Eck

02:46:29 Rep. B. Brown

02:47:20 Rep. Hill Smith

02:49:06 Rep. Usher

02:49:59 Rep. Morigeau

02:50:55 Rep. Berglee

02:51:50 Chair Doane

02:52:31 Rep. McConnell

02:54:48 Rep. Eck

02:55:45 Rep. Usher

02:56:48 Rep. Harris

02:58:46 Rep. Kelker

03:00:34 Rep. Wagoner

03:02:44 Rep. Morigeau

03:06:25 Rep. Hill Smith

03:08:44 Rep. Usher

03:09:19 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 477 BE TABLED**. Substitute Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Manzella and Rep. M. Regier voted by proxy.

ADJOURNMENT

Adjournment: 03:10:42

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh61aad.pdf](#))